

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Matthew W. Peters

v.

Civil No. 15-cv-025-LM

William L. Wrenn, New Hampshire
Department of Corrections Commissioner

REPORT AND RECOMMENDATION

Before the court is the motion to amend the complaint (doc. no. 15) filed by New Hampshire State Prison inmate Matthew W. Peters, seeking to add state legislators as defendants to claims challenging a state law that Peters asserts violates his federal rights, and also seeking to amend the complaint's prayer for relief by adding a request for payment of legal expenses, and for a court-ordered amendment to the state law at issue and revisions to prison procedures relating to "qualifications."

The court may deny a motion to amend "for any adequate reason apparent from the record," including futility of the proposed amendment. Todisco v. Verizon Commc'ns, Inc., 497 F.3d 95, 98 (1st Cir. 2007) (internal quotation marks and citation omitted). "Officials performing legislative functions have absolute immunity from suit and liability under section 1983."

Figueroa-Serrano v. Ramos-Alverio, 221 F.3d 1, 4 (1st Cir. 2000). Accordingly, the district judge should deny the motion to amend (doc. no. 15) as futile, to the extent it seeks to add legislators as defendants. The remaining relief requested in the motion to amend should be denied without prejudice to refiling in a separate motion to amend. See LR 7.1(a)(1).

Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010).


Andrea K. Johnstone
United States Magistrate Judge

May 4, 2015

cc: Matthew W. Peters, pro se